IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

WP(C).No. 17922 of 2007(H)

PETITIONER:

R.C. SATHEESH BABU,
GEETHU NIVAS, PANANGADU, PUNALUR P.O.

BY ADV. SRI.B.S.SWATHY KUMAR
SRI.BINDU SREEKUMAR
SRI.K.G.RENGANATH

RESPONDENTS:

1. THE SUPERINTENDING ENGINEER,
P.W.D. NATIONAL HIGHWAY, SOUTH CIRCLE,
THIRUVANANTHAPURAM.

2. THE EXECUTIVE ENGINEER,
P.W.D. NATIONAL HIGHWAY DIVISION, KOLLAM.

BY G.P. SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.17922 of 2007

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Dated this the 19th day of June, 2007

J U D G M E N T

Petitioner's request for supply of tender forms for tendering for two items of work notified by the respondents has been rejected by Ext.P1 on the ground that two earlier works awarded to the petitioner had been terminated for breach of contract and, hence, as per the conditions in the tender notification, the petitioner is not eligible to participate in the tender. Petitioner's contention is that those terminations are subject matter of pending writ petitions before this court. The learned Government Pleader produces for my perusal a copy of the pre-qualificaiton tender notice. In the same clause 1.11 reads thus:

> "1.11. The prospective tenderers should not have abandoned any National Highway work or any of their contract for National Highway work should have been rescinded during the last five years."

Going by the above, the petitioner is not qualified to tender for the work. Although the petitioner submits that the termination of contracts is the subject matter of writ petitions before this court, he could not satisfy me that the termination has been stayed. In the above circumstances, I do not find any merit in the challenge against Ext.P1 and accordingly, the writ petition is dismissed.

sdk+ S.SIRI JAGAN, JUDGE